



Northeast Michigan Council of Governments

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Village of Empire Zoning Ordinance Review

by Denise Cline, NEMCOG

This review is intended to provide a general review of the Village of Empire Zoning Ordinance and to provide some specific feedback on Ordinance provisions which appear to be problematic or which could be improved.

1. **Conflicting Regulations Statement.** Include a statement clarifying the order of applicability in case of conflict between text, tables and diagrams. Which is controlling?
2. **Definitions.** There are some definitions that I typically include that are not included in this ordinance such as but not limited to: abutting, access, adjacent property, assisted living home, block, boarding house, child care facility definitions, convalescent home, cottage industry, deck, patio, reversed corner lot, domestic vs exotic pets, practical difficulty, recreational equipment (as opposed to just RV), rooming house, state-licensed residential facility, and townhouse. In addition, I find it easier to group like definitions together even if they don't start with the same letter. An example of this is the definitions for adult businesses – these could be group under the heading "Adult Business Definitions" so that they all appear together.
3. **Bed & Breakfast and tourist homes** are the same thing in this ordinance –is that intentional?
4. **Building height** definition is broad. Many communities measure building height differently depending on the type of roof.
5. Term "**Dwelling, Mobile**" is now typically referred to as "manufactured home." The same applies to the terms mobile home park and mobile home site.
6. **Family.** Definition of family could be amended as it could be construed as not inclusive enough. Here is an example of a more inclusive definition of family:
 - a. *A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than two additional unrelated persons, with all of such individuals being domiciled together as a single, domestic, housekeeping unit of a permanent, non-transient nature.*
 - b. *The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond, which constitutes*

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the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

7. **Medical Marijuana.** This issue is not addressed in the zoning ordinance. The land use of "Primary Caregiver" is a legal land use in Michigan and needs to be addressed in the Village. Most communities list primary caregiver as an allowable home occupation (since it entails growing and processing only) and include regulations that state that no more than one Primary Caregiver is allowed per parcel, no signage allowed, and no dispensing on site. Recently, Act 281 of 2016 went into effect (in December) allowing local units of government the option of allowing dispensaries as well. The Village does not have to allow dispensaries, but I wanted to bring it to your attention. I can provide more information on this issue if needed.
8. **Waterfront Yard.** Definitions should be clearer as to whether the waterfront yard is considered front or rear?
9. **Wind Energy** definitions are lacking – if more comprehensive wind energy regulations are desired, then the associated definitions should also be included.
10. **Effects of zoning.** This section should include a statement that zoning extends vertically.
11. **Accessory Buildings.** Some questions a user could ask about this section are: How close can a detached accessory building be to a principal? Where can accessory buildings be on waterfront lots? How high can an accessory building be? Height is in the schedule of regulations, but the average user isn't going to know to look there. This section should at least reference where the height limitations can be found. How many accessory buildings are allowed? How large can they be? Also, the fact that accessory buildings less than 100 square feet do not require a zoning permit should be stated in this section.
12. **Mobiles Homes Section 3.05.** Change the terminology to read "manufactured housing."
13. **Home Business - Section 3.08.** The title of the section "Home Business" does not match the wording in the text "home occupation". Section 3.08 1. C limits the number of employees a home occupation can have. This should be discussed. What is the purpose of the employee limit? The business already cannot expand so much that it becomes the primary use of the property. But, if the business is doing so well that they need, for example, three employees, that could be seen as a positive development. Why limit that? The other regulations within this section serve to protect neighboring properties from nuisance. I'm not sure limiting the number of people working there accomplishes this.

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Subsection H prohibits outdoor storage of goods or materials. What if it is screened? Does this mean that outdoor display is also prohibited? Can a person with a home occupation sell product to the public? I often use the real-life example of the home based business in a local community that, for example, wanted to sell jams and jellies in their carriage house

on their property. They had two employees that worked for them. They also intended to display some of their product outside of the carriage house when they were open. That particular home business fit very well in a village setting and added to the uniqueness of the small town (and, if fact, is a real example from a northern Michigan village). Would this scenario be allowed in Empire? Some communities are differentiating home businesses that the public might visit vs those that have no interaction with the public (the former being a special use sometimes called “cottage industry” and the latter being a use-by-right Home Occupation). This should be discussed by the Planning Commission.

Lastly, I feel that it is better to locate Home Business standards in the Supplemental Site Development Standards section rather than General Regulations because it applies to a specific use, not the entire Village in general.

14. **Fences and Walls - Section 3.09.** Screening requirements for commercial/industrial that abut residential should be listed here even if they are in a different section. Or at least a reference to that section should be included here. **Section 3.21 .2 (Landscaping - Intensive land uses)** does say that a solid man-made barrier may be used (even though that section is in the Landscaping section).

Are dumpsters required to be screened? Other questions – can fences be placed upon property lines? Lastly, there should be a statement here pertaining to a specific clear sight visibility triangle.

15. **Towers Section - 3.13 and Antenna Co-Location on an Existing Tower Structure -3.14.** These sections should appear with the Tower Regulations in Supplemental Development Standards – they are misplaced in the General Provisions section.

16. **Non-Commercial Wind Turbine Generators - Section 3.15.** Most communities have more extensive regulations than listed here to address issues that come up such as noise, shadow flicker, ice throw, etc.

17. **Off-Street Parking - Section 3.16.** See comments below relating to MEDC RRC best practices.

18. **Landscaping - Section 3.21.** #3 (parking and loading areas) requires no more than 50% hard surface – is this being done in practice? While the diagrams are well drawn, it is difficult to understand what they are trying to show. The diagram on page 3-18 is showing water drainage into the parking lot landscaping. The text says there should be no rolled concrete curbs yet the diagram shows what, to the casual observer, looks like landscaping surround by concrete curbs. The diagrams on page 3-19 also need captions. Also, subsection 6.C(1) seems like it should not be in the landscaping section as it, for example, talks about roof-mounted mechanical equipment being screen by architectural features. I would probably include all screening requirements in the fence section and call it “Fences, Walls, and Screening” (then refer to the Landscaping section).

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19. **General Residential - Section 4.02.** In general, I think it would be a good exercise for the Planning Commission to take a look at a very complete Table of Land Uses to assess if there are appropriate land uses missing from the lists of permitted and special uses in

each district. I think they will find that there are uses that could be included which are currently missing. For example, I typically add State-Licensed Residential Facilities (24 hour care for six or less people) to all residential districts because they are required by the Michigan Zoning Enabling Act to be permitted by right (MCL 125.3206). Currently, the General Residential district lists "Foster Care Facility" but this term is not defined so I am unsure what it is intended to include. Some districts allow "Adult Day Care," but this is not the same as a State-Licensed Residential Facility. Child Care Facility and Group Day Care are also undefined but listed as allowable uses. How many children can a group day care home have? Under State law, the term Group Child Care Home means seven-12 children and Family Child Care Home means up to six. Typically a family child care home is a use by right while a group day care might be a special use. In this ordinance, while group day care is given supplemental development regulations (Section 7.04), it is not actually listed as an allowable use in the District Regulations. "Child Care Center" is listed as well as "Child Day Care" but that does not distinguish it as either Group Child Care Home or Family Child Care Home. This needs to be clarified. For reference, MCL 125.3206 (5) says that a Group Child Care (in a village) may be issued a special use permit. Most communities allow Family Child Care Homes as a Permitted Use.

20. **Village Residential District - Section 4.04.** While uses are listed similar to other districts, and the section contains a subsection referencing district standards in the Schedule of Regulations, there is also a page that contains district regulations and diagrams (page 4-8), so they are listed in two places. This is fine, but I would make a statement explaining this. There are some inconsistencies here – for example, it refers to Accessory Dwelling Units as allowed to be detached (this implies a freestanding ADU) – however, the definition contained with the ordinance of an ADU specifically requires it to be in a principle structure or in an accessory building. Diagrams are good, but I would recommend adding a few more words to the diagram to make it clearer at a glance. Also, I noticed that the General Residential, Mixed Residential District, Light Industrial District, and Recreation Conservation District do not have this type of page? It is my felling that if one district presents the information in this format, they all should.

21. **Commercial Residential District - Section 4.05.** The same comments as above apply to this District. I am unsure of the purpose of the section titled "Allowable Building Types" – this is simply stating that the building types of all of the uses listed are allowed (other than also stating that detached accessory dwelling units are allowed). It would seem that the reason for including "allowable building type" regulations here would be if only specific building types (forms) were allowed regardless of use. For example, if all uses must be located in the building type that typically looks like a single-family dwelling (even commercial and office uses) in order to maintain the character of the neighborhood, then this section would be appropriate. But this section (the way it is written) doesn't seem to serve a purpose.

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I have questions about the diagrams on page 4-11. The diagram showing a multi-story retail, office and residential building – is this diagram regulatory? Is it stating that residential can only be located on the upper floors? If so, there should be corresponding text stating this. I am also unsure of the purpose of the diagram directly below that – showing the front view of a row of buildings. Is this trying to show a specific regulation?

22. **Recreation Conservation District – Section 4.07.** Since this district does allow single-family residential at a lower density, MCL 125.3506 (Open Space Preservation) might apply. This MZEA section requires open space preservation (i.e. increased density to preserve open space) in specific circumstances.
23. **PUD District - Section 4.08.** Accessory buildings incidental to accessory dwellings are listed as a special use. I would think that, if someone wanted to build an accessory building for their accessory dwelling, that it should probably be considered a use by right. Or, is a public hearing typically held and notifications within 300 feet sent out for such a thing?
24. **Uses Subject to Special Use Permit - Section 6.02 (2) - Public Hearings.** I recommend moving all references to public hearings into one comprehensive section located in the Administration article then placing references to the public hearing section wherever needed. Public hearing notice requirements are currently repeated in the PUD section within Article 7, in the ZBA section, and in the amendment section. The public hearing section should also reference registration to receive notice by mail (i.e. utility companies, etc).
25. **Bed and Breakfasts - Section 7.02.** Why confine bed and breakfast units to the main building? If there is a suitable accessory building (i.e. carriage house) should this be allowed to be used? There should some options for creativity included in the ordinance.
26. **Manufactured Home Developments - Section 7.06.** Strike the term “mobile home”. Use “manufactured home” for consistency.
27. **Motels, hotels and Inns - Section 7.07.** Be wary of setting absolute size requirements such as 150’ lot width or “x” number of square feet of lot area per guest room unless there is a good reason for doing so (again – trying to encourage flexibility and creativity). Absolute regulations such as these actually discourage creativity and increase the need for variances. For example, I’ve seen “Inns” that would fit nicely on a 60’ lot. A great example would be an Inn that is located inside of a converted residence.
28. **Sand & Gravel Extraction – Section 7.10.** This section should be reviewed and incorporate regulations pursuant to MZEA Mining section (MCL 125.3205).
29. **Storage Facilities and Warehouses - Section 7.12.** (5) is not a complete sentence and should be clarified. I believe it is trying to say that storage of those materials should be within a building or within an obscuring wall or fence. I believe the words “provided such” should say “shall be”.
30. **Telecommunication Towers, Antennae and Facilities Section - 7.13.** This section needs to be updated with the new regulations pertaining to towers in the MZEA (MCL 125.3214). There are specific instances (antenna co-location) that need to be listed as permitted uses. There are also specific approval timelines now. Also, #10 could probably be argued as interfering in private business by requiring a telecom company to allow its competitor to use its tower.

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31. **Land Use Permit - Section 8.02.** The last sentence of #1 states that accessory buildings less than 100 sf in size do not require a permit. The average person won't know to look in this section for that information. They will look in the accessory building section – it should be stated there as well.

Also in this section - #2 lists requirements for a site plan which needs to be submitted with an application, yet Article 5 already listed the requirements for a site plan. This section should refer to all information required in Article 5.

32. **Performance Guarantee - Section 8.06.** This section lists the manner in which the performance guarantee is refunded as 1/3 of the deposit after completion of 1/3 of the improvements, then 2/3 after completion of 2/3 of the improvements, then the balance at the end. It would read better to say 1/3, then another 1/3, then the remaining (using 2/3 makes it sound like first you refund 1/3, then 2/3 – when adds up to 3/3 or all, then the remaining). I understand the intent, but it could be clearer.

33. **Penalties - Section 8.07.3.** This section does not say that each day is a separate offense – is this intentional?

34. **Creation and Membership of the ZBA - Section 9.01.** I would add a section stating that a member may be removed for misfeasance, malfeasance or nonfeasance in office.

35. **Amendment - Section 10.01.** 1.C.5 lists standards for rezoning. Standard "a" states "Is the proposed rezoning consistent with the Village of Empire Master Plan?" I think this should be clarified. This might be interpreted as "is the rezoning consistent with the Future Land Use Map" – sometimes proposals come along that, while not necessarily conforming exactly to what a parcel by parcel future land use map shows, actually does conform to the spirit and intent of the goals of the Master Plan. I've seen rezoning requests get denied in communities for this one standard because it didn't match what the future land use map said even though the rezoning would have been appropriate otherwise.

36. **Declaration of a Zoning Moratorium - Section 10.02.** This is an unusual section and could be problematic. The way I read it says that, if desired, the Village can stop issuing ALL permits. This would be in direct conflict with sections of the MZEA which requires certain permits be issued within a specified time period.

37. **General.** The ordinance is missing several sections or comprehensive regulations that are typically included. Following is a list:

- a. Protest Petition.
- b. Medical Marijuana.
- c. There are no good standards for Commercial Wind Turbine Generators even though they are an allowable use in the Light Industrial District.
- d. Shoreline greenbelt is defined as follows: *An undisturbed area of land paralleling the water's edge to a depth of the required zoning setback distance if not otherwise stipulated, which is retained in a natural condition and is essentially void of any structural improvements, to serve as a waterfront buffer. Beaches and/or vegetated areas shall be defined as shoreline greenbelts.* However, there are no regulations

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- pertaining to shoreline greenbelts in the ordinance. In fact, there don't seem to be any waterfront regulations in the ordinance.
- e. General Exceptions – this typically includes sections relating to how voting places are exempt, church steeples are exempt, patios and decks can project "X" amount into the setback, etc.
 - f. Hazardous substances are defined then not regulated or even mentioned in the ordinance.
 - g. There is no section on corner clearance areas.
 - h. I cannot find where the ordinance says one residence per zoning lot, unless otherwise allowed in the ordinance (i.e. accessory dwelling units).
 - i. The ordinance doesn't address illegal dwellings – for example – can I just construct a basement and then live in just that?
38. **MEDC Redevelopment Ready Best Practices.** In order to be eligible for MEDC funding in the future, communities must be engaged with the Redevelopment Ready Communities (RRC) program. In terms of zoning, the RRC staff members are going to look for certain best practices to be included in your ordinance in order to consider the Village for the RRC program. Following are just a few of my notes regarding things they will look for:
1. Allow some mixed us (by right) in concentrated areas of development.
 2. Use design standards.
 3. Include build to lines, open store front requirements, minimum ground floor transparency, and allow outdoor dining.
 4. Preserve historic or environment features.
 5. Clearly identify approval procedures – this is most easily done using tables or flow charts. Your ordinance is very text heavy and that is not the most user-friendly option.
 6. Allow two or more non-traditional housing types such as but not limited to:
 - a. Accessory dwelling units (already included)
 - b. Attached single-family (reference townhouses, etc)
 - c. Stacked flats
 - d. Live/work units
 - e. Residential above commercial
 - f. Cluster housing
 7. Include bicycle parking requirements (i.e. allow the replacement of a certain number of parking spaces with bicycle parking options).
 8. Include pedestrian-scale lighting standards.
 9. Include flexible parking standards. Some of this is included in the shared parking section and parking lot deferment. Consider connections between lots being required, electric vehicle charging stations, or parking waivers.
 10. Standards for green infrastructure – I feel this standard is already met in your ordinance.
 11. Make ordinance user-friendly. The ordinance could be refined visually to make it more searchable by the user. The use of better section headings and especially subsection headings make a large difference. Improving the formatting itself can make it easier to read. The use of tables and graphics helps as well. Lastly this ordinance could be made interactive throughout by linking sections that reference other sections together (making them clickable online) and by linking the table of contents to each section it references (not just the article heading as it does now). In addition, links can be made

to outside laws. Also, a small table of contents can be placed on the first page of each article (with links) which links to each subsection of that Article. See examples below.

ARTICLE
3

Article 3
General Provisions

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Section 3.0 Effects of Zoning

A. In order to carry out the intent of this Ordinance, hereinafter no use or activity on a piece of land, shall be allowed or maintained, no building or structure or part thereof shall be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with the provisions and intent of the specific zoning district in which it is located, and all other provisions of this Ordinance.

B. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

C. This Ordinance is not intended to regulate the structural strength adequacy of egress, light and ventilation, items are controlled and/or activities and properties and residential odors, traffic, erosion and the use of light a

Table of Contents located on each page clicks through to each Article. The article the user is looking at is highlighted in a bold color.

D. Zoning affects every structure and use and extends vertically.



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Each Article
contains a Table of
Contents for that
Article (clickable).

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Alcona * Alpena * Cheboygan * Crawford * Emmet * Montmorency * Oscoda * Otsego * Presque Isle

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**ARTICLE
4**

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Article 4 District Regulations

Section 4.0 Table of Permitted and Special Land Uses

Village of Hillman Zoning Districts	
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R-2	Medium Density Residential District
R-3	High Density Residential District
R-R	Recreational Residential
B-1	Central Business District
B-2	General Business District
B-3	Business Warehouse District
I	Industrial District

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TABLE OF PERMITTED USES & SPECIAL LAND USES								
P = Permitted by right			S = Permitted with a Special Use Permit			*supplemental development regulations (article 7)		
ACCOMODATION AND FOOD SERVICES								
<i>Bakeries (goods produced & sold on-site)</i>	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
<i>Bed & Breakfasts</i>	S*	S*	S*	S*	P	P		
<i>Cabin Courts</i>				S				
<i>Caterers/Food Service Contractors</i>					P	P		
<i>Coffee Shops</i>					P	P		
<i>Convention Centers/Conference Centers/Banquet Halls</i>					P	P		
<i>Drinking Establishments/Taverns</i>					P	P	P	
<i>Hotels & Motels & Resorts (attached or detached units)</i>					P	P		
<i>Lodging Units within Other Commercial Establishment (Inns)</i>					S	S		
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>					P	P	P	P
<i>Restaurants without Drive-Through</i>					P	P		
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>					P*	P*		
<i>Restaurants with Outdoor Dining (Dining on public right-of-way)</i>					S*	S*		
<i>Restaurants with Outdoor Dining (Dining on private property)</i>					S	S		
<i>Rooming & Boarding Houses</i>		P*	P*		S*	P*		

Uses with supplemental regulations contain links to those regulations.



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**ARTICLE
3**

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1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
 - c. Required yards shall be measured from the boundaries of the site condominium unit.

Links to referenced sections of this Ordinance.

Plan Review. Prior to recording a plat or master deed, site condominiums under go to site plan review and approval by the Planning Commission in accordance with Article 5 of this Ordinance. Approval under this Ordinance shall require, as a condition to the right to construct, expand, or convert a site condominium project in the Village.

a. **Application.**

(1) An application for site plan approval shall be filed for review as per the requirements of Article 5 of this Ordinance. All procedures and standards of Article 5 shall apply to site condominium projects.

Links to other laws and regulations.

(2) All condominium site plans shall include the information required in Section 66 of P.A. 59 of 1978, as amended (Condominium Act, being MCL 559.166).

(3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.

(4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common

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Village of Hillman Zoning Ordinance
Adopted 11/3/2015
Effective 11/18/2015

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plans & Site Plan Review

6 Special Land Uses

7 Supplemental Regulations

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Village of Empire Sign Ordinance Review

I am providing a review of the Sign Ordinance due to the effects of *Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court. The goal is to create a sign ordinance that contains content-neutral regulations. Content neutrality means, essentially, that if you have to read the sign to determine which regulations apply, then it is not content-neutral and, therefore, is not legal. Therefore, all of the comments below are written in the context of content-neutrality. Many of these seem excessive and the Village can choose not to change these provisions, but my goal is to show you what absolute content-neutrality looks like.

1. **Purpose statement.** I recommend revising the purpose statement to remove references to advertising and, instead, reference signage in general and the need to communicate a message. I would also add stronger language relating to traffic and pedestrian safety.
2. **Changeable Copy Sign.** Remove references to time and temperature.
3. **Identification Sign.** This definition is not content-neutral.
4. **Political Sign.** Remove this definition – signs can no longer be differentiated based on the message contained on the sign.
5. **Surface Sign.** Alter definition to remove the word “information” and all of the following words and replace it with “a message is displayed”.
6. **Temporary Sign.** I believe a better definition of temporary sign is needed that encompasses more than just “stake and wire sign”. Due to the need to place many different sign types into a “temporary” category (i.e. no trespassing signs, grand opening signs, political signs, etc), temporary signs might have more construction types. The main purpose would be to define the sign according to its non-permanent attachment to the ground or structure.
7. **Section 5 (2).** I believe this section is saying that no off-premise signs are allowed. I would rephrase this. Also, the statement “when a business is abandoned, the sign must be removed within 30 days” is vague. What is considered abandonment? Include indicators of abandonment here.
8. **Section 6 – Signs Not Requiring a Permit.**
 - (1) Identification sign – this is not content-neutral, so delete reference to “informational”. Therefore, you would be allowing one sign per property not to exceed 4 square feet.
 - (2) Eliminate reference to street name, route markers, etc. and only reference “signs erected or approved by state, county, or village agencies”.
 - (3) Warning Signs – this could be included in the definition of Accessory Signs. Regulations relating to accessory signs need to be included. There is a definition of accessory sign, but it is never referenced in the ordinance text. I would list “accessory signs” as allowed without a permit.

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- (4) Don't reference signs to control property access – describe them as signs posted near property boundaries and not exceeding one square foot.
- (5) Rather than stating "non-advertising" signs marking a historically significant place, simply add signs erected by historic agencies to #2 above.
- (6) Language is OK.
- (7) This is not content-neutral, so delete this.
- (8) This is not content-neutral, so delete this.
- (9) This is not content-neutral, so delete this.
- (10) This is not content-neutral, so delete this. #7 - # 10 all would now fall under temporary signage. You can still differentiate between temporary signage that is erected on residential property vs. non-residential property (i.e. Justice Alito wrote a concurring opinion on *Reed V. Town of Gilbert*, and he stated that he believes the distinction between commercial and residential property is NOT content-based). So, you would need to decide upon a new way to regulate temporary signs. This could include the following methods:
 - No limit on number or size of temporary signs.
 - Limit on number but no limit on size of each.
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 - Limit on number and limit on size of each.
 - Total square footage limit (when added together), so if you allow 32 square feet of temporary signage, then they can have many small signs or one large one.
- (11) Add "Signs Not Viewable from a Public Right-of-Way" to the list of signs allowed without a permit.

9. Section 7 – Prohibited Signs.

- (2) Eliminate reference to specific words and, instead, leave the remaining sentence "any word, phrase, symbol, or character that might mislead or confuse a vehicle driver".

10. Section 8 – Alteration or re-establishment of nonconforming signs. #2 (which states that you cannot change the message of a nonconforming sign) goes against what is called the "substitution clause" which states that any sign that can be displayed under the ordinance may contain a non-commercial message (the substitution clause is something which all ordinances are supposed to have). So, if there is a nonconforming commercial sign, #2 is saying that you cannot substitute the message with a non-commercial message (or any other message) – which would be a violation of the substitution clause. In addition, the Substitution Clause should be added to this Ordinance.

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Also, #7 is a tricky thing to regulate. Requiring all non-conforming signs to be conforming by a specific date means that the Village is going to have to be very diligent on enforcement when that date nears.

Lastly, #3 includes the words "**questioned by VC**" in the copy of the sign ordinance that I was given (and is also included in the copy available to the public online).

11. Section 10 – Signs Allowed in Zoning Districts. This section is slightly problematic. The text referencing R, MR, and VR makes it sound as though signs for churches are not allowed.

12. Section 11 – Sign types, dimensions, requirements. After Commercial-Residential Districts, there is a problem with a sentence as it reads “32 square feet, of Street wall signs but no more than 5% of the façade on which...”

So, just to clarify this section, if they elect to have a primary sign that is 24 square feet, for example, in the Light Industrial District, then they cannot also have a changeable copy sign because they will have used up their allowable signage.

Please let me know if you have any questions.....thank you!

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